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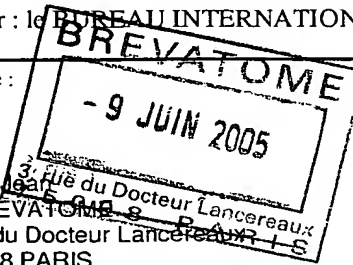
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Date d'expédition (jour/mois/année) 02 juin 2005 (02.06.2005)	
Référence du dossier du déposant ou du mandataire B 14234.3 PV	NOTIFICATION IMPORTANTE
Demande internationale n° PCT/FR2003/002947	Date du dépôt international (jour/mois/année) 07 octobre 2003 (07.10.2003)
Déposant COMMISSARIAT A L'ENERGIE ATOMIQUE etc	

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Translation

PATENT COOPERATION TREATY

PCT/FR2003/002947



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference B 14234.3 PV	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/002947	International filing date (day/month/year) 07 octobre 2003 (07.10.2003)	Priority date (day/month/year) 08 octobre 2002 (08.10.2002)
International Patent Classification (IPC) or national classification and IPC G02B 17/06		
Applicant COMMISSARIAT A L'ENERGIE ATOMIQUE		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 3 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 29 avril 2004 (29.04.2004)	Date of completion of this report 10 January 2005 (10.01.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2003/002947

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages _____ 1-20 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____ 1-10 _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the drawings:
 pages _____ 1/7-7/7 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/FR 03/02947

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-10	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-10	NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

2. Citations and explanations

This report makes reference to the following documents:

D1: US-A-3 958 882
D2: US-A-3 460 892
D3: US-A-5 107 526
D4: US-A-5 452 085
D5: DE 44 34 814 A
D6: US-A-3540825

1. Observations with regard to clarity (PCT Article 6)

1.1 In claim 1, the following expressions are unclear:

- "amplifier": this term implies an increase in intensity which is not achieved in the claimed system.
- "reduced absorption": in the absence of a reference, it is unclear in relation to what absorption is reduced.

2. Inventive step (PCT Article 33(3))

2.1 Document D1 describes (the references in parentheses are to that document) a light-collecting optical system for collecting the light emitted by at least one light source (8) and for focussing the collected

light onto at least one light detector (31). The system comprises two mirrors, i.e. a first and a second mirror. The first mirror (3) can collect the light emitted by the light source and focus the collected light onto the second mirror (30), which can focus the light it receives from the first mirror onto the light detector. Like all catoptric systems, that system is achromatic and has reduced absorption. The system is provided with a housing that is opaque to all light, in particular to ultra-violet radiation, and in which the light source, the light detector and the mirrors are located, and means for generating a vacuum inside the housing or for filling it with a gas that is transparent to ultra-violet radiation (see column 6, lines 7-14).

The subject matter of claim 1 differs from that known system in that the light source is a luminescent discharge lamp.

The subject matter of the application consists in the selection of a specific light source. Such a selection can be considered inventive only if the source produces unexpected effects or shows unexpected properties. However, luminescent discharge lamps are well known as light sources in the field of spectrometric analysis (see D6, column 1, lines 54-56), and no unexpected effect or property is indicated in the application. Consequently, the subject matter of claim 1 does not involve an inventive step.

- 2.2 Dependent claims 2-10 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT inventive step

requirements; see the corresponding documents and passages cited in the search report.

- claim 2: D3 shows a common optical axis
- claim 3: the two mirrors have different foci in D2 and D3
- claim 4: D3 shows a central bore
- claim 5: the mirrors are offset relative to the axis in D1 and D5
- claim 6: D3 shows a spherical mirror
- claim 7: metal-plating is a conventional feature of mirrors
- claims 8 and 9: D5 describes an input slot for the detector
- claim 10: D1 describes a light source that emits ultra-violet light